B. Land Requisition /50

1950

File No. (Second)

Legal Deptt

13 BRANCH

K

K-1-R

Subject:— L. A. Bill No. Exiii of 1950

A Bill further to amend the Bombay Land Requisition Act, 1948.

Bom Act No. xxxix of 1950

P-10

12

File No. B. Land Requisition/50

Gen. 196

822-B

Legal Department.

It will appear from entry 36 in List II and entry 42 in List III in the Seventh Schedule to the Constitution of India that requisition of any property can be made by the State Government only for the purposes of the State or for any other public purposes. In view of this position it would be necessary to amend the Bombay Land Requisition Act, 1948, so as to take power for requisitioning of land or premises only for the purposes of the State or for any other public purpose. A draft Bill is, therefore, prepared and is sent to the Revenue Department for necessary action. In that Bill by clause 6, retrospective effect is given to the amendments effected by clauses 2 to 5 and it has been made clear in that clause that no order shall be called into question merely on the ground that the amendments made were not at the date of the requisitioning orders included in the relevant provisions of the Act. The Department is requested to take immediate steps to obtain the orders of Government and send the papers to this Department for the publication of the Bill as early as possible.

2. The subject-matter of the Bill falls under entry 36 of List II in the Seventh Schedule to the Constitution. The Bill does not require any recommendation or sanction, nor is it necessary to reserve the Bill for the consideration ~~fxrxt~~ of the President with reference to article 254(2) of the Constitution.

Sd/- J.R.D. 29/9
Additional Secretary to Government.

U.R. to P.D. No. 37-L, dated the 29th September 1950.

MR 25/6

K.S.R. 25/6

IMMEDIATE.

No: 15738
Legal Department,
Bombay Castle, (Bombay No. 1), 11th November 1950.

From

Shri J.R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay.

Subject: The Bombay Land Requisition (Second Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Land Requisition (Second Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 25th October 1950 and 26th October 1950 respectively.

2. The subject-matter of the Bill falls under entry 36 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4.----

4. I also forward herewith one copy of each of the

1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1, 2 and 4
2.	Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	and two copies of
3.	Bill as read for the third time and passed by the Bombay Legislative Council.	item No3
4.	Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th October 1950 and of the Bombay Legislative Council dated the 26th October 1950.	of the papers

noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

-C/- J. R. D. "/"

Additional Secretary to Government.

Through the Secretary to the Government of Bombay,
Revenue Department.

No. G.S.- 3427

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department.

Government House,
Bombay, No. 6;
November 11, 1950.

Subject: The Bombay Land Requisition (Second Amendment) Bill, 1950.

Sir,

With reference to your letter No. 15738, dated November 11, 1950, I am directed to return herewith the authentic copy of the Bombay Land Requisition (Second Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

sd/-

Secretary to the Governor of Bombay.

Acts.

Publication of the Bombay Land Requisition (Second Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 15742
Bombay Castle, 11th November 1950.

Letter to the Secretary to the Governor, No. 15738 dated the 11th November 1950.

Letter from the Secretary to the Governor, No. G.S. 3427 dated the 11th November 1950.

RESOLUTION: The law should be published as Bombay Act No. XXXIX of 1950, in the Bombay Government Gazette dated the 11th November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari Script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department.

By order of the Governor of Bombay,

Sd/-

S.L. CHAUDHARI,
Assistant Secretary to Government.

To

The Manager Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Revenue Department,
* The Oriental Translator to Government
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay
} with a copy of the Act.

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* with five extra copies of the Act.

L. A. BILL No. LXIII OF 1950.

A Bill to amend the Bombay Land Requisition Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

(As read for the third time and passed by the Legislative Council on the 26th October 1950.)

Bom. XXXIII of 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Land Requisition (Second Amendment) Act, 1950.

Bom. XXXIII of 1948.

Amendment of section 5 of Bom. XXXIII of 1948.

2. In section 5 of the Bombay Land Requisition Act, 1948 (hereinafter called the said Act), in sub-section (*1*), for the words "any purpose" the words "the purpose of the State or any other public purpose" shall be substituted.

Amendment of section 6 of Bom. XXXIII of 1948.

3. In section 6 of the said Act, in clause (*a*) of sub-section (*4*), for the words "and may use or deal with the premises" the words "for the purpose of the State or any other public purpose and may use or deal with the premises for any such purpose" shall be substituted.

Amendment of section 7 of Bom. XXXIII of 1948.

4. In section 7 of the said Act, in sub-section (*1*), after the words "under this Act" the words "for any purpose of the State or any other public purpose" and after the words "and the State Government may" the words "for any such purpose" shall be inserted.

MO-V Bk Hb 350—1

Amendment of section 12 of Bom. XXXIII of 1948.

5. In section 12 of the said Act, in sub-section (*1*), the words " under this Act " shall be added at the end.

Amendments to have retrospective effect.

6. The amendments made by this Act shall be deemed to have been and always to have been made with effect from the 26th January 1950, and all orders for requisition made under sections 5, 6 and 7 of the said Act on or after that date shall be deemed to have been made under the said Act as amended by this Act, and no such order shall be called into question in any Court merely on the ground that the amendments made by this Act were not at the date of such order included in the aforesaid provisions under which the said order was made.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LXIII OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

(As read for the third time and passed by the Legislative Council on the 26th October 1950.)

A Bill to amend the Bombay Land Requisition Act, 1948.

[Shri MORARJI DESAI, M.L.A.]

MO-V Pk Hb 350—2

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The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 11TH NOVEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	PAGES
BOMBAY ACT No. XXXIX OF 1950—An Act to amend the Bombay Land Requisition Act, 1948	500-501

The following Act of the Bombay Legislature having been assented to by the Governor on the 11th November 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXIX OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 11th November 1950.)

An Act to amend the Bombay Land Requisition Act, 1948.

Bom. XXXIII of 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Land Requisition (Second Amendment) Act, 1950.

Amendment of section 5 of Bom. XXXIII of 1948.

Bom. XXXIII of 1948.

2. In section 5 of the Bombay Land Requisition Act, 1948 (hereinafter called the said Act), in sub-section (*1*), for the words "any purpose" the words "the purpose of the State or any other public purpose" shall be substituted.

Amendment of section 6 of Bom. XXXIII of 1948.

3. In section 6 of the said Act, in clause (*a*) of sub-section (*4*), for the words "and may use or deal with the premises" the words "for the purpose of the State or any other public purpose and may use or deal with the premises for any such purpose" shall be substituted.

Amendment of section 7 of Bom. XXXIII of 1948.

4. In section 7 of the said Act, in sub-section (*1*), after the words " under this Act " the words " for any purpose of the State or any other public purpose " and after the words " and the State Government may " the words " for any such purpose " shall be inserted.

Amendment of section 12 of Bom. XXXIII of 1948.

5. In section 12 of the said Act, in sub-section (*1*), the words " under this Act " shall be added at the end.

Amendments to have retrospective effect.

6. The amendments made by this Act shall be deemed to have been and always to have been made with effect from the 26th January 1950, and all orders for requisition made under sections 5, 6 and 7 of the said Act on or after that date shall be deemed to have been made under the said Act as amended by this Act, and no such order shall be called into question in any Court merely on the ground that the amendments made by this Act were not at the date of such order included in the aforesaid provisions under which the said order was made.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.